

1948

## REGULATIONS OF THE COPYRIGHT OFFICE

## CODE OF FEDERAL REGULATIONS

## Title 37—Patents, Trade-marks and Copyrights

## Chapter II—Copyright Office, Library of Congress

## REVISION OF CHAPTER

1. Chapter II of Title 37, of the Code of Federal Regulations, is hereby revised to read as set forth below, effective sixty days after the date of publication in the *FEDERAL REGISTER*. In this revised codification former Part 200, Organization, Part 202, Proclamation Copyright Relations and Part 203, Functions and Procedures are discontinued, former Part 201, Registration of Claims to Copyright, as herein revised, is renumbered Part 202 and a new Part 201, "General Provisions" is added. Future amendments to organization, functions and procedures, not otherwise herein provided, will be published in the Notices section of the *FEDERAL REGISTER*.

2. Chapter II of Title 37, as provided in the Code of Federal Regulations at the time of this publication, continues in force until this revised codification becomes effective.

## PART 201—GENERAL PROVISIONS

- Sec  
201.1 Communications with Copyright Office  
201.2 Information given by Copyright Office  
201.3 Catalog of Copyright Entries  
201.4 Assignments of copyright and other papers  
201.5 Amendments to completed Copyright Office registrations and other records  
201.6 Payment and refund of Copyright Office fees

AUTHORITY: §§ 201.1 to 201.6 issued under sec. 207, 61 Stat. 866, 17 U. S. C. Sup. 207.

§ 201.1 *Communications with Copyright Office.* Mail and other communications shall be addressed to the Register of Copyrights, Library of Congress, Washington 25, D. C.

§ 201.2 *Information given by Copyright Office—(a) In general.* Information relative to the operations of the Copyright Office is supplied without charge. A search of the records, indexes and deposits will be made for such information as they may contain relative to copyright claims upon application and payment of the statutory fee. The Copyright Office, however, does not undertake the making of comparisons of copyright deposits to determine similarity between works, nor does it give legal opinions concerning the rights of persons in cases of alleged infringement, contracts between publisher and author, the copyright status of any particular work other than the facts shown in the records of the Office, or other matters of a similar nature.

(b) *Inspection and copying of records.* Inspection of the records, indexes and deposits may be made at such time as will not result in interference with or delay in the work of the Copyright Office. In connection with matters directly relating to copyrights and the rights of an author or proprietor in copyrighted

property, copies may be made of the entries in the record books, the applications for registration after they have been passed for entry and numbered, the indexes to registrations, and similar official records of the Office.

(c) *Correspondence.* Correspondence with the Copyright Office is not open to public inspection unless it has a direct reference to a completed registration of a copyright claim or other official record of the Office.

(d) *Requests for copies.* Requests for the making of copies of the records and deposits in the Copyright Office should be addressed to the Photoduplication Service, Library of Congress, Washington 25, D. C. Fees for the payment of such services should be made payable to the Librarian of Congress. When the copy is to be certified by the Copyright Office, the certification fee should be made payable to the Register of Copyrights. The Copyright Office will approve the making of a copy of a copyright deposit when one or more of the following conditions exist:

(1) *Authorization by owner.* When authorized in writing by the copyright owner or his designated agent.

(2) *Request by attorney.* When required in a court proceeding in which the copyrighted work is the subject of the litigation; but in all such cases the attorney representing the plaintiff or defendant, for whom the request is made, shall give in writing the names of the parties, the nature of the controversy, and the name of the court.

(3) *Court order.* When an order to have the copy made is issued by a court having jurisdiction of a case in which the copy is to be submitted as evidence.

§ 201.3 *Catalog of Copyright Entries.* The current subscription price for all parts of the complete yearly Catalog of Copyright Entries is \$20.00. Each part of the Catalog is published in two semi-annual numbers covering, respectively, the periods January-June and July-December. The prices given in the list below are for each semiannual number. The Catalog may be obtained, upon payment of the established price, from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C., to whom requests for copies should be addressed and to whom the remittance should be made payable.

Part 1A—Books and selected pamphlets	\$1.50
Part 1B—Pamphlets, serials, and contributions to periodicals	1.50
Part 2—Periodicals	1.00
Parts 3 and 4—Dramas and works prepared for oral delivery	1.00
Part 5A—Published music	1.50
Part 5B—Unpublished music	1.50
Part 6—Maps	.50
Part 7—11A—Works of art, reproductions of works of art, scientific and technical drawings, photographic works, prints, and pictorial illustrations	1.00

Part 11B—Commercial prints and labels	\$1.00
Parts 12 and 13—Motion pictures	.50
Part 14A—Renewal registrations, literature, art, film	.50
Part 14B—Renewal registrations, music	1.00

§ 201.4 *Assignments of copyright and other papers.* Assignments of copyright and other papers relative to copyrights will be recorded in the Copyright Office upon payment of the statutory fee. Examples of such papers include powers of attorney, licenses to use a copyrighted work, and agreements between authors and publishers covering a particular work or works and the rights thereto. Where the original instrument is not available, a certified copy may be recorded.

§ 201.5 *Amendments to completed Copyright Office registrations and other records.* No correction or cancellation of a Copyright Office registration or other record will be made (other than a registration or record provisional upon receipt of fee as provided in § 201.6) after it has been completed if the facts therein stated agree with those supplied the Office for the purpose of making such record. However, it shall be within the discretion of the Register of Copyrights to determine if any particular case justifies the placing of an annotation upon any record for the purpose of clarification, explanation, or indication that there exists elsewhere in the records, indexes or correspondence files of the Office, information which has reference to the facts as stated in such record.

§ 201.6 *Payment and refund of Copyright Office fees—(a) In general.* All fees sent to the Copyright Office should be in the form of a money order, postal note, check, or bank draft payable to the Register of Copyrights. Coin or currency sent to the Office in letters or packages will be at the remitter's risk. Remittances from foreign countries must be payable and immediately negotiable in the United States for the full amount of fee required. Uncertified checks are accepted subject to collection. Where the statutory fee is submitted in the form of a check, the registration of the copyright claim or other record made by the Office is provisional until payment in money is received. In the event the fee is not paid, the registration or other record shall be expunged.

(b) *Deposit accounts.* Persons or firms having a considerable amount of business with the Copyright Office may, for their own convenience, prepay copyright expenses by establishing a Deposit Account.

(c) *Refunds.* Money paid for applications which are rejected or payments made in excess of the statutory fee will be refunded, but amounts of twenty-five cents or less will not be returned unless specifically requested and such sums may

be refunded in postage stamps. All larger amounts will be refunded by check.

# PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

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202.1	Application forms
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202.13	Motion-picture photoplays (Class L)
202.14	Motion pictures other than photoplays (Class M)

**AUTHORITY:** §§ 202.1 to 202.14 issued under sec. 207, 61 Stat. 666; 17 U. S. C. Sup. 207

§ 202.1 *Application forms*—(a) In general. Section 5 of Title 17 of the United States Code provides thirteen classes (Class A through Class M) of works in which copyright may be claimed. Examples of certain works falling within these classes are given in §§ 202.2 to 202.14, inclusive, for the purpose of assisting persons, who desire to obtain registration of a claim to copyright, to select the correct application form.

(b) *Claims of copyright.* All works deposited for registration shall be accompanied by a "claim of copyright" in the form of a properly executed application and the statutory registration fee.

(c) *Forms.* The Copyright Office supplies without charge the following forms for use when applying for the registration of claim to copyright in a work and for the filing of a notice of use of musical compositions on mechanical instruments.

Form A—Books published in the United States of America (Class A)
Form A Foreign—Books first published outside the United States of America (Class A)
Form B—Periodicals (Class B)
Form B5—Contributions to periodicals (Class B)
Form C—Lectures or similar productions prepared for oral delivery (Class C)
Form D—Dramatic or dramatico-musical compositions (Class D)
Form E—Musical compositions (Class E)
Form F—Maps (Class F)
Form G—Works of art; models or designs for works of art (Class G)
Form GG—Published three-dimensional works of art (Class G)
Form H—Reproductions of a work of art (Class H)
Form I—Drawings or plastic works of a scientific or technical character (Class I)
Form J—Photographs (Class J)
Form K—Prints and pictorial illustrations (Class K)
Form KK—Prints or labels used for articles of merchandise (Class K)
Form L—Motion-picture photoplays (Class L)
Form M—Motion pictures other than photoplays (Class M)
Form R—For renewal copyright of works other than commercial prints and labels
Form RR—For renewal copyright of commercial prints or labels
Form U—For notice of use of musical compositions on mechanical instruments

§ 202.2 *Books (Class A).* This class includes such publications as fiction and non-fiction, poems, compilations, composite works, directories, catalogs, annual publications, information in tabular form, and similar text matter, with or

without illustrations, published as a book, pamphlet, leaflet, card, single page or the like. Foreign periodicals and contributions thereto are also registered in this class. Applications for registration in Class A for American editions are made on Form A, and foreign editions on Form A Foreign.

§ 202.3 *Periodicals (Class B).* This class includes such publications as newspapers, magazines, reviews, bulletins, and serial publications, which appear at intervals of less than a year. Applications for registration of these works in Class B are made on Form B. Applications for registration of serial publications which are not "periodicals" should be made in Class A. Contributions to periodicals are also registered in Class B on Form B5, except in the case of advertisements (commercial prints) which are registered in Class K on Form KK. Applications for registration of periodicals produced outside of the United States and contributions to such periodicals will be received on Form A Foreign.

§ 202.4 *Lectures or similar productions prepared for oral delivery (Class C).* This class includes unpublished works such as lectures, sermons, addresses, monologs, recording scripts, and scripts for television and radio programs. When these works are published, registration should be made in Class A.

§ 202.5 *Dramatic and dramatico-musical compositions (Class D).* This class includes works dramatic in character such as plays, dramatic scripts designed for radio or television broadcast, pantomimes, ballets, musical comedies and operas.

§ 202.6 *Musical compositions (Class E).* This class includes all musical compositions (other than dramatico-musical compositions), with or without words, as well as new versions of musical compositions, such as adaptations, arrangements and editings, when such editing is the writing of an author.

§ 202.7 *Maps (Class F).* This class includes all published cartographic representations of area, such as terrestrial maps and atlases, marine charts, celestial maps and such three-dimensional works as globes and relief models.

§ 202.8 *Works of art (Class G).*—(a) In general. This class includes works of artistic craftsmanship, in so far as their form but not their mechanical or utilitarian aspects are concerned, such as artistic jewelry, enamels, glassware, and tapestries, as well as all works belonging to the fine arts, such as paintings, drawings and sculpture. Works of art and models or designs for works of art are registered in Class G on Form G, except published three-dimensional works of art which require Form GG.

(b) *Published three-dimensional works of art.* All applications for copyright registration of published three-dimensional works of art shall be accompanied by as many photographs, in black and white or in color, as are necessary to identify the work. Each photograph shall not be larger than nine by twelve inches, but preferably shall be eight by ten inches, nor shall it present an image of the work smaller than four inches in its greatest dimension. The title of the work shall appear on each photograph. In addition to the photographs, application on Form GG, and the statutory registration fee, each applicant shall select and comply with one of the following options:

(1) *Option A.* Send two copies of the best edition of the work (or one copy,

if by a foreign author and published in a foreign country). The Copyright Office will retain the copies for disposition in accordance with its usual practice.

(2) *Option B.* Send two copies of the best edition of the work (or one copy, if by a foreign author and published in a foreign country) and in addition mark the package with the special label supplied by the Copyright Office or by the use of other appropriate means indicating that Option B has been chosen. The Copyright Office will promptly return the copies to the copyright claimant or to his agent, at an address within the United States at his expense.

(3) *Option C.* Send no copies of the work. If Option C is selected the Copyright Office will issue its certificate, bearing a notation that photographs were accepted in place of copies, but expresses no opinion as to the need for, or possible effect of delay in, making deposit of copies prior to suit for infringement of copyright.

§ 202.9 *Reproductions of works of art (Class H).* This class includes published reproductions of existing works of art in the same or a different medium, such as a lithograph, photoengraving, etching or drawing of a painting, sculpture or other work of art.

§ 202.10 *Drawings or plastic works of a scientific or technical character (Class I).* This class includes diagrams or models illustrating scientific or technical works, or formulating scientific or technical information in linear or plastic form, such as an architect's or an engineer's plan or design, a mechanical drawing, or an anatomical model.

§ 202.11 *Photographs (Class J).* This class includes photographic prints and filmstrips, slide films and individual slides. Photoengravings and other photomechanical reproductions of photographs are registered in Class K on Form K.

§ 202.12 *Prints, pictorial illustrations and commercial prints or labels (Class K).* This class includes prints or pictorial illustrations, greeting cards, picture postcards and similar prints, produced by means of lithography, photoengraving or other methods of reproduction. These works are registered on Form K. A print or label, not a trademark, published in connection with the sale or advertisement of an article or articles of merchandise is also registered in this class on Form KK.

§ 202.13 *Motion-picture photoplays (Class L).* This class includes motion pictures, dramatic in character, such as features, serials, animated cartoons, musical plays, and similar productions intended for projection on a screen, or for transmission by television or other means.

§ 202.14 *Motion pictures other than photoplays (Class M).* This class includes non-dramatic motion pictures, such as newsreels, musical shorts, travelogues, educational and vocational guidance films, and similar productions intended for projection on a screen, or for transmission by television or other means.

SEAL SAM B. WARNER,  
Register of Copyrights

Approved: December 22, 1948.

LUTHER H. EVANS,  
Librarian of Congress

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9:00 a. m.]